

U.S. District Court
Southern District of Iowa (Davenport)
CIVIL DOCKET FOR CASE #: 3:15-cv-00111-JAJ-CFB
Internal Use Only

Hammock v. NASA Headquarters, et al
Assigned to: Chief Judge John A. Jarvey
Referred to: Magistrate Judge Celeste F. Bremer
Cause: 42:1983 Civil Rights Act

Date Filed: 10/16/2015
Date Terminated: 01/13/2016
Jury Demand: Plaintiff
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: U.S. Government Defendant

Plaintiff

Calvin Hammock

represented by **Calvin Hammock**
5106 Brown Street
Davenport, IA 52806
PRO SE

V.

Defendant

NASA Headquarters

represented by **Mary C Luxa**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Department of Defense

represented by **Mary C Luxa**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Space Exploration Technologies Space X

represented by **Space Exploration Technologies Space X**
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Defendant

Apple

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Defendant

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Defendant

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Defendant

Unknown Defendants

Date Filed	#	Page	Docket Text
10/16/2015	<u>1</u>		COMPLAINT against American Water Iowa, Apple, Blackberry (Curve) Corporation, Department of Defense, Mediacom WiFi, NASA Headquarters, Space Exploration Technologies Space X, Unknown Defendants, Virgin Mobile, filed by Calvin Hammock. Notice of Dismissal for lack of Service deadline set for 2/15/2016. Rule 16 Notice of Dismissal set for 2/15/2016. (Attachments: # <u>1</u> Exhibits) (bp) (Entered: 10/16/2015)
10/16/2015			Filing fee: \$ 400.00, receipt number IAS3000000788 for Filing Fee by Calvin Hammock (bp) (Entered: 10/16/2015)
10/16/2015	<u>2</u>		MOTION to Appoint Counsel by Calvin Hammock. Motion referred to Celeste F. Bremer. Responses due by 11/2/2015 (bp) (Entered: 10/16/2015)
10/26/2015	<u>3</u>		PLEADING STRICKEN PER ORDER #6 (bp) Modified on 12/3/2015 (bp). (Entered: 10/26/2015)
11/16/2015	<u>4</u>		NOTICE by Calvin Hammock. (bp) (Entered: 11/16/2015)
11/25/2015	<u>5</u>		NOTICE of Appearance by Terri L. Combs on behalf of Mediacom WiFi (Combs, Terri) (Entered: 11/25/2015)
12/03/2015	<u>6</u>		ORDER denying <u>2</u> Motion to Appoint Counsel and Strikes the Amend to Complaint and Exhibits. Signed by Senior Judge Charles R. Wolle on 12/03/15. (bp) (Entered: 12/03/2015)
12/04/2015	<u>7</u>		SUMMONS Returned Executed by Calvin Hammock. Space Exploration Technologies Space X served on 11/18/2015, answer due 12/9/2015. (bp) (Entered: 12/04/2015)
12/04/2015	<u>8</u>		SUMMONS Returned Executed by Calvin Hammock. Apple served on 11/17/2015, answer due 12/8/2015. (bp) (Entered: 12/04/2015)
12/04/2015	<u>12</u>		SUMMONS Returned Executed by Calvin Hammock. NASA Headquarters served on 11/18/2015, answer due 1/18/2016. (bp) (Entered: 12/09/2015)
12/08/2015	<u>9</u>		MOTION to Dismiss by Virgin Mobile. Responses due by 12/28/2015 (Attachments: # <u>1</u> Memorandum in Support)(Cartmill, Espnola) (Entered: 12/08/2015)
12/08/2015	<u>10</u>		NOTICE of Appearance by Philip A Burian on behalf of Apple (Burian, Philip) (Entered: 12/08/2015)
12/08/2015	<u>11</u>		

		MOTION to Dismiss by Apple. Responses due by 12/28/2015 (Attachments: # 1 Brief in Support)(Burian, Philip) (Entered: 12/08/2015)
12/09/2015	13	SUMMONS Returned Executed by Calvin Hammock. Blackberry (Curve) Corporation served on 11/18/2015, answer due 12/9/2015. (bp) (Entered: 12/09/2015)
12/09/2015	14	SUMMONS Returned Executed by Calvin Hammock. Virgin Mobile served on 11/17/2015, answer due 12/8/2015. (bp) (Entered: 12/09/2015)
12/09/2015	15	NOTICE of Appearance by Michael R Reck on behalf of Virgin Mobile (Reck, Michael) (Entered: 12/09/2015)
12/09/2015		Chief Judge John A. Jarvey added. Senior Judge Charles R. Wolle no longer assigned to case. (don,) (Entered: 12/09/2015)
12/09/2015	16	NOTICE of Appearance by Kelsey J Knowles on behalf of Virgin Mobile (Knowles, Kelsey) (Entered: 12/09/2015)
12/10/2015	17	SUMMONS Returned Executed by Calvin Hammock. Mediacom WiFi served on 11/19/2015, answer due 12/10/2015. (bp) (Entered: 12/10/2015)
12/10/2015	18	MOTION for Default Judgment as to Space Exploration Technologies Space X by Calvin Hammock. Responses due by 12/28/2015 (bp) (Entered: 12/10/2015)
12/10/2015	19	MOTION to Dismiss by Mediacom WiFi. Responses due by 12/28/2015 (Attachments: # 1 Brief in Support)(Combs, Terri) (Entered: 12/10/2015)
12/10/2015	20	BRIEF in Support of 18 MOTION for Default Judgment Against Space Exploration Technologies Space X filed by Calvin Hammock. (dmh) (Entered: 12/10/2015)
12/17/2015	21	MOTION to Dismiss by Space Exploration Technologies Space X. Responses due by 1/4/2016 (Attachments: # 1 Memorandum in Support, # 2 Declaration) (bp) (Entered: 12/17/2015)
12/17/2015	22	Corporate Disclosure/Statement of Interest by Virgin Mobile. (Cartmill, Espnola) (Entered: 12/17/2015)
12/18/2015	23	RESPONSE to Motion re 21 MOTION to Dismiss filed by Calvin Hammock. Replies due by 12/31/2015. (bp,) (Entered: 12/18/2015)
12/18/2015	24	Corporate Disclosure/Statement of Interest by Apple. (Burian, Philip) (Entered: 12/18/2015)
12/21/2015	25	RESPONSE to Motion re 9 MOTION to Dismiss , 11 MOTION to Dismiss , 19 MOTION to Dismiss filed by Calvin Hammock. Replies due by 12/31/2015. (bp) (Entered: 12/21/2015)
12/21/2015	26	MOTION for Default Judgment as to Blackberry Curve Corp. by Calvin Hammock. Responses due by 1/7/2016 (Attachments: # 1 Brief in Support) (bp) (Entered: 12/21/2015)
12/21/2015	27	Corporate Disclosure/Statement of Interest by Mediacom WiFi. (Combs, Terri) (Entered: 12/21/2015)
12/28/2015	28	SUMMONS Returned Executed by Calvin Hammock. Department of Defense served on 11/20/2015, answer due 1/19/2016. (bp) (Entered: 12/28/2015)

12/28/2015	<u>29</u>	REPLY to <i>Resistance to Motion to Dismiss</i> re <u>11</u> MOTION to Dismiss filed by Apple.(Burian, Philip) (Entered: 12/28/2015)
12/29/2015	<u>30</u>	REPLY <i>Brief in Further Support</i> re <u>19</u> MOTION to Dismiss filed by Mediacom WiFi.(Combs, Terri) (Entered: 12/29/2015)
12/29/2015	<u>31</u>	REPLY re <u>21</u> MOTION to Dismiss filed by Space Exploration Technologies Space X. (bp) (Entered: 12/29/2015)
12/29/2015	<u>32</u>	NOTICE of Appearance by Todd M. Lantz on behalf of Blackberry (Curve) Corporation (Lantz, Todd) (Entered: 12/29/2015)
12/29/2015	<u>33</u>	NOTICE of Appearance by Mark E Weinhardt on behalf of Blackberry (Curve) Corporation (Weinhardt, Mark) (Entered: 12/29/2015)
12/30/2015	<u>34</u>	SUMMONS Returned Executed by Calvin Hammock. American Water Iowa served on 12/22/2015, answer due 1/12/2016. (bp) (Entered: 12/30/2015)
12/30/2015	<u>35</u>	RESPONSE to Defendant, Space Exploration Technologies Reply, re: <u>21</u> MOTION to Dismiss filed by Calvin Hammock. (bp) (Entered: 12/30/2015)
12/30/2015	<u>36</u>	RESPONSE to Defendant, Apple's Reply, re: <u>11</u> MOTION to Dismiss filed by Calvin Hammock. (bp) (Entered: 12/30/2015)
12/30/2015	<u>37</u>	RESPONSE to Defendant, Mediacoms (MCC Iowa LLC) Reply, re: <u>19</u> MOTION to Dismiss filed by Calvin Hammock. (bp) (Entered: 12/30/2015)
12/31/2015	<u>38</u>	REPLY re <u>9</u> MOTION to Dismiss filed by Virgin Mobile.(Cartmill, Espnola) (Entered: 12/31/2015)
01/04/2016	<u>39</u>	Errata, re: <u>28</u> Summons Returned Executed as to Department of Defense filed by Calvin Hammock. (bp) (Entered: 01/04/2016)
01/04/2016	<u>40</u>	RESPONSE to Defendant, Virgin Mobile's Reply, re <u>9</u> MOTION to Dismiss filed by Calvin Hammock. (bp) (Entered: 01/04/2016)
01/04/2016	<u>41</u>	NOTICE of Appearance by Elizabeth Jane Thompson on behalf of Mediacom WiFi (Thompson, Elizabeth) (Entered: 01/04/2016)
01/05/2016	<u>42</u>	NOTICE of Appearance by Dennis L Puckett on behalf of American Water Iowa (Puckett, Dennis) (Entered: 01/05/2016)
01/05/2016	<u>43</u>	NOTICE of Appearance by Amanda Ann James on behalf of American Water Iowa (James, Amanda) (Entered: 01/05/2016)
01/06/2016	<u>44</u>	NOTICE of Appearance by Mary C Luxa on behalf of Department of Defense (Luxa, Mary) (Entered: 01/06/2016)
01/06/2016	<u>45</u>	MOTION to Quash <i>Service of Process and Resistance to Motion for Default Judgment</i> by Blackberry (Curve) Corporation.Motions referred to Celeste F. Bremer. Responses due by 1/25/2016 (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Affidavit)(Lantz, Todd) (Entered: 01/06/2016)
01/11/2016	<u>46</u>	MOTION to Dismiss by American Water Iowa. Responses due by 1/28/2016 (Attachments: # <u>1</u> Brief in Support)(James, Amanda) (Entered: 01/11/2016)
01/11/2016	<u>47</u>	Corporate Disclosure/Statement of Interest by American Water Iowa. (James, Amanda) (Entered: 01/11/2016)

01/12/2016	<u>48</u>		MOTION for Extension of Time to File Answer re <u>1</u> Complaint, by Department of Defense, NASA Headquarters.Motions referred to Celeste F. Bremer. (Luxa, Mary) (Entered: 01/12/2016)
01/13/2016	<u>49</u>	8	ORDER granting <u>45</u> Motion to Quash; granting <u>46</u> Motion to Dismiss; finding as moot <u>48</u> Motion for Extension of Time to Answer; granting <u>9</u> Motion to Dismiss; granting <u>11</u> Motion to Dismiss; finding as moot <u>18</u> Motion for Default Judgment; granting <u>19</u> Motion to Dismiss; granting <u>21</u> Motion to Dismiss; finding as moot <u>26</u> Motion for Default Judgment. The clerk shall enter judgment in favor of the defendants and against the plaintiff. Signed by Chief Judge John A. Harvey on 1/13/2016. (mem) (Entered: 01/13/2016)
01/13/2016	<u>50</u>	10	JUDGMENT in favor of Defendants and against Calvin Hammock. Signed by Deputy Clerk R. Johnson for Clerk Marjorie Krahn on 1/13/2016. (rmj) (Entered: 01/13/2016)
01/22/2016	<u>51</u>	11	NOTICE OF APPEAL as to <u>49</u> Order on Motion to Quash, Order on Motion to Dismiss, Order on Motion for Extension of Time to Answer, Order on Motion for Default Judgment, <u>50</u> Judgment by Calvin Hammock. Fee paid in the amount of \$505.00, Receipt #IAS300000821. (bp) (Correct received date and Main Document 51 replaced on 1/22/2016. Resent NEF) (bp,). (Entered: 01/22/2016)
01/26/2016	<u>52</u>	16	NOTIFICATION OF APPEAL and NOA Supplement by District Court Clerk to USCA re <u>51</u> Notice of Appeal, filed on 1/22/2016. (vr) (Entered: 01/26/2016)

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF IOWA
DAVENPORT DIVISION

CALVIN HAMMOCK,

Plaintiff,

vs.

NASA HEADQUARTERS, et al.,

Defendants.

No. 3:15cv0111-JAJ

ORDER

This matter comes before the court pursuant to motions to dismiss filed on December 8, 2015 by defendant Virgin Mobile [Dkt. 9], on December 8, 2015 by defendant Apple [Dkt. 11], on December 10, 2015 by defendant Mediacom [Dkt. 19], on December 17, 2015 by defendant Space Exploration Technologies X [Dkt. 21], on January 11, 2016 by defendant American Water Iowa [Dkt. 46] and the Motion to Quash Service of Process filed January 6, 2016 by Blackberry (Curve) Corporation [Dkt. 45]. These motions are granted. All other pending motions are denied as moot.

Plaintiff's complaint alleges that on May 22, 2012, he was in the basement of his home watching the NASA Space X Falcon Engine Dragon lift off on his Apple Macbook Pro laptop while using Mediacom Wifi network and while plaintiff's Blackberry Curve cellular telephone was on using the Virgin Mobile wireless network and with an Iowa American Water smart meter wireless network on. "During liftoff, plaintiff felt the back of his cerebellum vibrate for fifteen to twenty-five seconds as a pain sensation that plaintiff has not felt since that exact pain sensation although there have been similar frequency sensations dealing with plaintiff's head." The plaintiff further alleges that since the injury of that vibration to plaintiff's cerebellum, plaintiff has felt pain shocks to the body in the areas of anus, testicles, side of rib cage, heart vibrations, chest, and head as some sort of microwave maser harassment and targeting by directed energy weapons. See Complaint, [Dkt. 1 at ¶¶ 12-14].

The defendants move to dismiss for various reasons including failure to state a claim upon which relief can be granted, violation of the statute of limitations, failure to

demonstrate that non-government defendants are “state actors” within the meaning of 42 U.S.C. § 1983, and lack of allegations concerning a discriminatory motive pursuant of 42 U.S.C. § 1985. The court grants the motions to dismiss and to quash for each of the reasons cited by the defendants. At its core, this complaint fails to include sufficient facts to state a claim for relief that is plausible on its face. Ashcroft v. Iqbal, 556 U.S. 662 (2009); Bell Atlantic Corp. v. Twombly, 550 U.S. 544 (2007). The non-governmental entities sued in this matter are not state actors for purposes of 42 U.S.C. § 1983. The complaint was not filed within the statute of limitations.

Upon the foregoing,

IT IS ORDERED that the pending motions to dismiss and to quash service of process are all granted. All other pending motions are denied as moot. The clerk shall enter judgment in favor of the defendants and against the plaintiff.

DATED this 13th day of January, 2016.



JOHN A. JARVEY, Chief Judge
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Plaintiff
v

JUDGMENT IN A CIVIL CASE
CASE NUMBER:

Defendant

JURY VERDICT . This action came before the Court for trial by jury. The issues have been tried and the jury has rendered its verdict.

DECISION BY COURT. This action came before the Court. The issues have been considered and a decision has been rendered.

IT IS ORDERED AND ADJUDGED:

Date:

CLERK, U.S. DISTRICT COURT

By: Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Calvin Hammock
5106 Brown Street
Davenport, Iowa 52806

Plaintiff/ Petitioner
Pro Se

RECEIVED
JAN 22 2016
CLERK U.S. DISTRICT COURT
SOUTHERN DISTRICT OF IOWA

Case No. 3:15-cv-00111-JAJ-CFB

NOTICE OF APPEAL

vs

NASA HEADQUARTERS, DEPARTMENT
OF DEFENSE, SPACE EXPLORATION
TECHNOLOGIES SPACE X, APPLE,
BLACKBERRY, CURVE CORP. VIRGIN
MOBILE, MEDIACOM MCC IOWA LLC,
AMERICAN WATER IOWA , ANY YET UN-
IDENTIFIED ENTITIES , PERSONS,
SATELLITES, GOVT AGENCIES, GOVT.
TECHNOLOGIES, INTERAGENCIES, FUSION
CENTER PARTICIPANT PARTNERS
CORPORATIONS, COMPANIES, SOFTWARE USED
BY AND WITH STATE ACTORS & TEMPORARY
STATE ACTORS

DEFENDANTS

NOTICE OF APPEAL

COMES NOW the PLAINTIFF Pro se, so moves this Court pursuant to 28 USC 2107 and Federal Rules of Appellate Procedure Rule 3(c) governing Notice of Appeal to appeal to the United States Court of Appeals for the Eighth Circuit the **ORDER “dated” JANUARY 13, 2015** by Judge JOHN JARVEY.

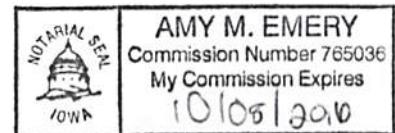
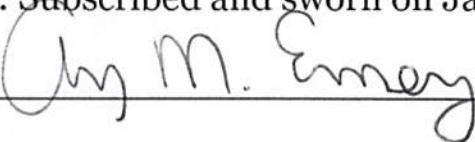
Plaintiff is filing this Notice of Appeal to appeal the Order granting Defendant Apples Motion to Dismiss dated December 8, 2015, Defendants Virgin Mobiles Motion to Dismiss dated December 8, 2015, Defendants Mediacom (d/b/a) MCC IOWA LLC Motion to Dismiss dated December 10. 2015, Defendant Space Explorations Technology Motion to Dismiss dated December 17, 2015, Defendant Blackberry Corporation Motion to Quash Service of Process **filed JANUARY 6, 2013**, Defendant American Iowa Water (aka Iowa American Water) Motion to Dismiss **filed JANUARY 11, 2016**, Plaintiff also seeks Notice of Appeal of ASSISTANT U.S. ATTORNEY Mary Luxa's **MOTION FOR EXTENSION OF TIME filed JANUARY 12, 2016** to answer Plaintiff's Complaint, as asst. U.S. Attorney Mary Luxa is the Attorney for Defendants NASA and

DEPARTMENT OF DEFENSE by which JUDGE JOHN JARVEY made
‘moot’ in his **ORDER dated JANUARY 13, 2015.**

Date: January 22, 2016



Notary: Subscribed and sworn on January 22, 2015



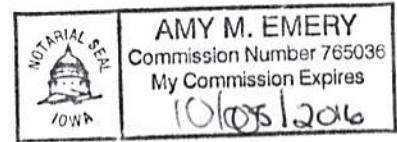
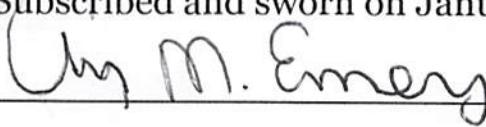
CERTIFICATE OF SERVICE

I hereby certify that I am placing in the U.S. Mail a copy of this Notice to Appeal to ALL Defendants and/or Defendants Attorneys on January 22, 2016.

Dated: January 22, 2016



Notary: Subscribed and sworn on January 22, 2016



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**UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF IOWA
OFFICE OF THE CLERK
P. O. BOX 9344
DES MOINES, IA. 50306-9344
515-284-6248**

Civil Case Notice of Appeal Supplement

COUNSEL FOR APPELLANT PLEASE COMPLETE AND SUBMIT WITH NOTICE OF APPEAL

Case Name: _____ vs. _____

District Court Case # ____ : ____ - cv - ____

Appeal Fee (\$505.00) Status Pd ____ IFP ____ Pending ____ Govt. Appeal ____

Counsel Appointed ____ CJA ____ Retained ____ Pro Se ____

Appeal filed by Counsel ____ Pro Se ____

Any reason why counsel should not be appointed _____

Pending post Judgment motions: Yes ____ No ____

Type of Motion(s) _____

High Public Interest Case Yes ____ No ____

Simultaneous Opinion Release Requested Yes ____ No ____

Trial Held Yes ____ No ____

Jury Trial Held Yes ____ No ____

Court Reporter Yes ____ No ____ Length of Trial _____

Reporter's Name _____

Address _____

Phone _____

Transcript Ordered Yes ____ No ____

Appealing: Order prior to final judgment ____ Final Judgment ____

Completed Form "A" Enclosed Yes ____ No ____